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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,332	12/12/2003	Keiichi Azuma	JP920030049US1	3762

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EXAMINER

SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,332

Applicant(s)

AZUMA ET AL.

Examiner

Suresh K. Suryawanshi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/12/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-12 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik (US Application Publication 2002/0013852) in view of Keller et al (US Patent 4,829,473; hereinafter Keller).

4. As per claims 1 and 7, Janik clearly discloses that BIOS (basic input output system) can be used to automate the booting of a PC (personal computer). In the implementation whereby the PC boots automatically, system control application includes software that can modify the BIOS software of the PC so that automatic pre-scheduled activation of the PC is enabled. The activation time data (date and time) is provided by a user utilizing a GUI (graphical user interface) application. The GUI application passes the time data to the BIOS for the PC activation in future [Fig. 23-26; page 6, para 0084; page 12-13, para 0187; para 0193, line 1].

Janik does not expressly disclose about the hardware lying behind the process. But a routineer in the art would know that in the process of passing the data from an application to another application (e.g., to a BIOS), the hardware (e.g., input/output port) is essential in a PC. However, Keller clearly discloses an input/output port comprising a buffer memory having a transmit buffer and a receive buffer that is common in a personal computer and commonly utilized for data transfers [Fig. 1 and 2; col. 3, lines 37-46; col. 3, line 64 -- col. 4, line 5]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to know about the input/output hardware port comprising a buffer memory for passing data from an application to another application. Though Janik does not expressly disclose about the input/output port in the process of passing time data from the application to the BIOS, a routineer would realize in view of Keller's disclosure that it would have been the case.

5. As per claim 2, Janik clearly discloses that BIOS (basic input output system) can be used to automate the booting of a PC (personal computer). In the implementation whereby the PC boots automatically, system control application includes software that can modify the BIOS software of the PC so that automatic pre-scheduled activation of the PC is enabled. The activation time data (date and time) is provided by a user utilizing a GUI (graphical user interface) application. The GUI application passes the time data to the BIOS for the PC activation in future [Fig. 23-26; page 6, para 0084 and 105; page 12-13, para 0187; para 0193, line 1].

Janik does not expressly disclose about the hardware lying behind the process. But a routineer in the art would know that in the process of passing the data from an application to another application (e.g., to a BIOS), the hardware (e.g., input/output port) is essential in a PC. However, Keller clearly discloses an input/output port comprising a buffer memory having a transmit buffer and a receive buffer that is common in a personal computer and commonly utilized for data transfers [Fig. 1 and 2; col. 3, lines 37-46; col. 3, line 64 -- col. 4, line 5]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to know about the input/output hardware port comprising a buffer memory for passing data from an application to another application. Though Janik does not expressly disclose about the input/output port in the process of passing time data from the application to the BIOS, a routineer would realize in view of Keller's disclosure that it would have been the case.

6. As per claims 3, 6, 8 and 12, Janik discloses that application program being further configured to comprise a graphical user interface allowing a user to input said predetermined data [page 6, para 0084 and 105].

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7. As per claims 4-5, 9 and 11, Janik clearly discloses that BIOS (basic input output system) can be used to automate the booting of a PC (personal computer). In the implementation whereby the PC boots automatically, system control application includes software that can modify the BIOS software of the PC so that automatic pre-scheduled activation of the PC is enabled. The activation time data (date and time) is provided by a user utilizing a GUI (graphical user interface) application. The GUI application passes the time data to the BIOS for the PC activation in future [Fig. 23-26; page 6, para 0084 and 105; page 12-13, para 0187; para 0193, line 1].

Janik does not expressly disclose about the hardware lying behind the process. But a routineer in the art would know that in the process of passing the data from an application to another application (e.g., to a BIOS), the hardware (e.g., input/output port) is essential in a PC. However, Keller clearly discloses an input/output port comprising a buffer memory having a transmit buffer and a receive buffer that is common in a personal computer and commonly utilized for data transfers [Fig. 1 and 2; col. 3, lines 37-46; col. 3, line 64 -- col. 4, line 5]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to know about the input/output hardware port comprising a buffer memory for passing data from an application to another application. Though Janik does not expressly disclose about the input/output port in the process of passing time data from the application to the BIOS, a routineer would realize in view of Keller's discloser that it would have been the case.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janik (US Application Publication 2002/0013852), Keller et al (US Patent 4,829,473; hereinafter Keller) and in view of Wang et al (US Patent 6,385,672; hereinafter Wang).

9. As per claim 10, Janik and Keller disclose the invention substantially. Janik and Keller do not expressly disclose using a jumper for switching between transmit buffer and receive buffer. But a routineer in the art would know about the jumper as it is well know. However, Wang clearly discloses that a jumper is known for purpose of partitioning (i.e., using one section or another) [Fig. 1 and 2; col. 5, lines 18-35]. Wang also discloses that the jumper can be implemented using software instructions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as they are directed to an input/output port comprising of a transmit buffer and a receive buffer wherein data is passed from an application to another application (e.g., BIOS here). Though Janik does not expressly disclose about the input/output port in the process of passing time data from the application to the BIOS, a routineer would realize in view of Keller's and Wang's discloser that it would have been the case.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K. Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks  
March 29, 2006

  
**CHUN CAO**  
**PRIMARY EXAMINER**